



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: July 11, 2003

Expiration Date: August 9, 2003

Corps of Engineers Action ID: 199700253

Oregon Division of State Lands Number: RF-30412

30-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plans.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Ms. Merina E. Christoffersen)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401-2156

Applicant: Mr. Darold McCrary
4534 Hope Street
Ventura, California 93003-1908

Location: The project site is along 3,000 feet of Harvey Creek, which is a tributary to the Umpqua River at Mile 19. The site is in Section 6, Township 22 South, Range 10 West; and 8.5 miles east of the town of Reedsport, in Douglas County, Oregon.

Project Description: The applicant is requesting authorization to stabilize 3,000 feet of Harvey Creek by removing existing logjams and excavating up to 2,000 cubic yards (CY) of material below the Ordinary High Water Mark (OHWM) of the channel. Excavated material would consist of approximately 1,000 CY of organic material, 400 CY of soil, 100 CY of rock, and 500 CY of sand and gravel. An additional 1,330 CY of material, fallen trees, and soil would be removed from above the OHWM.

The eroding banks would then be stabilized using gravel, large rock, and trees anchored in place. Willows would be planted on the banks in accordance with an ongoing Conservation Resource Enhancement Program (CREP).

Purpose: To control bank erosion and maintain an existing crossing.

Drawings: Twenty (20) drawings labeled COE # 199700253 are attached.

Additional Information: Additional information may be obtained from Ms. Merina Christoffersen, Project Manager, U.S. Army Corps of Engineers at (541) 465-6882 or email at merina.e.christoffersen@nwp01.usace.army.mil.

Authority: This permit will be issued or denied under the following:

Sections 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Coastal Zone Management Act Certification: A permit for the described work will not be issued until the state has concurred with the applicant's certification that the described activity affecting land or water uses in the Coastal Zone complies with the State Coastal Zone Management Program. Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to provide a Certification of Consistency statement. If the state fails to concur or object to the certification statement within six months, state concurrence shall be conclusively presumed. Attached to this Public Notice is a notice of application for Certification of Consistency with the State's Coastal Zone Management Program.

Public Hearing: Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Oregon Coast coho salmon, listed as a threatened species under the Federal Endangered Species Act, utilize this system. Preliminary determinations indicate that the described activity may affect endangered species or their critical habitat designated as endangered or threatened under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is required for the described activity. The applicant intends to minimize the in-water work period by completing the project during the low water and Oregon Department of Fish and Wildlife in-water work period; July 1, 2003-September 15, 2003.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain work or activity in the described waters. The State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 199700253
Oregon Division of State Lands Number: RF-30412

Notice Issued: July 11, 2003
Written Comments Due: August 9, 2003

WHO IS THE APPLICANT: Mr. Darold McCrary

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality (DEQ), Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on August 9, 2003. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. ***Written comments may also be sent via e-mail. However, it there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** Emails should be formatted in Microsoft Word (through version 7.0), WordPerfect (through version 6.x), or plain text format at deq.infor@deqstate.or.us. Otherwise due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

PUBLIC NOTICE

OREGON COASTAL MANAGEMENT PROGRAM

CONSISTENCY CERTIFICATION

Date: July 11, 2003

Corps of Engineers Action ID Number: 199700253

Oregon Division of State Lands Number: RF-30412

NOTIFICATION:

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital Street NE, Suite 200, Salem, Oregon 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 250.

REVIEW CRITERIA:

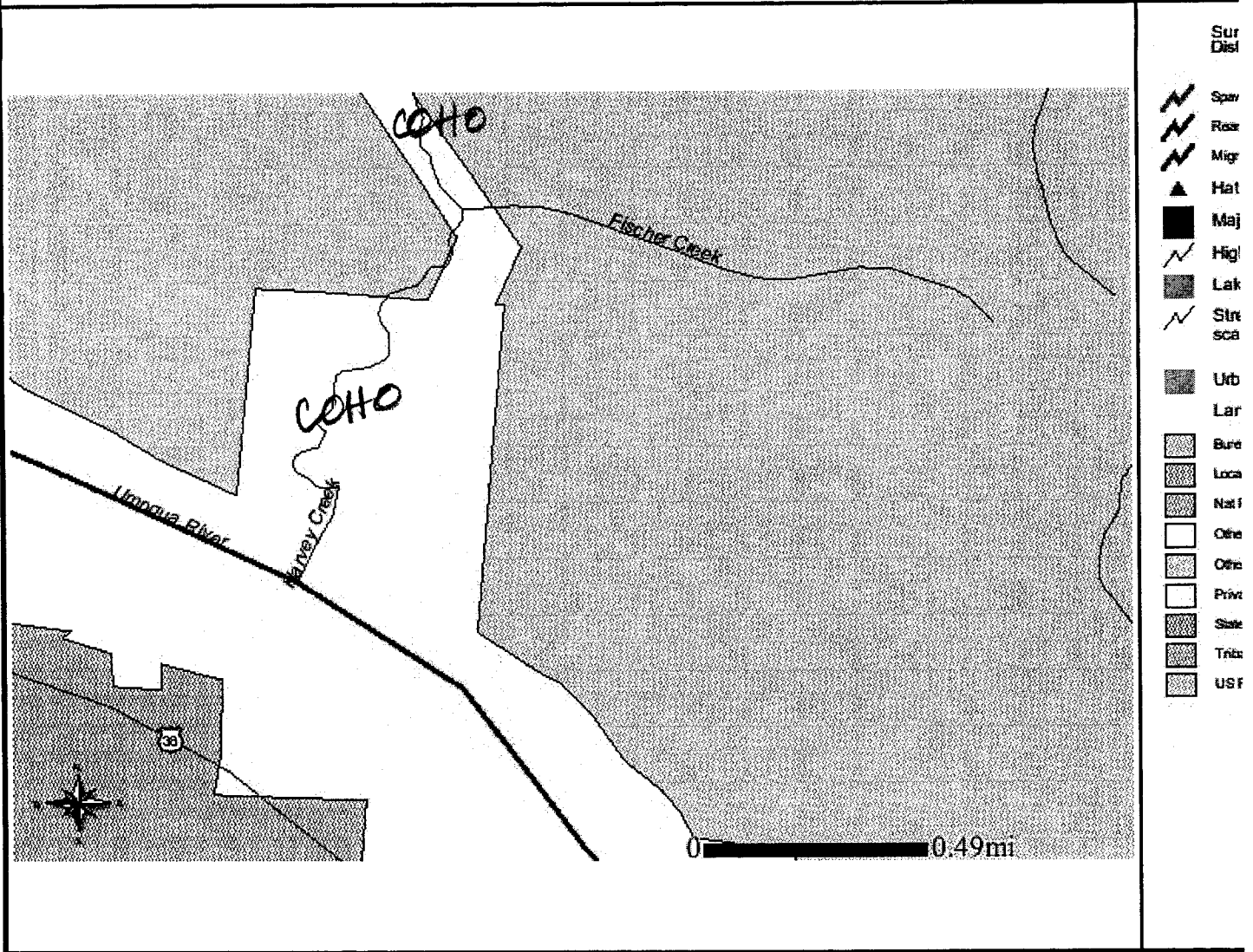
Comments should address consistency with the applicable elements of the Oregon Coastal Management Program. These elements include:

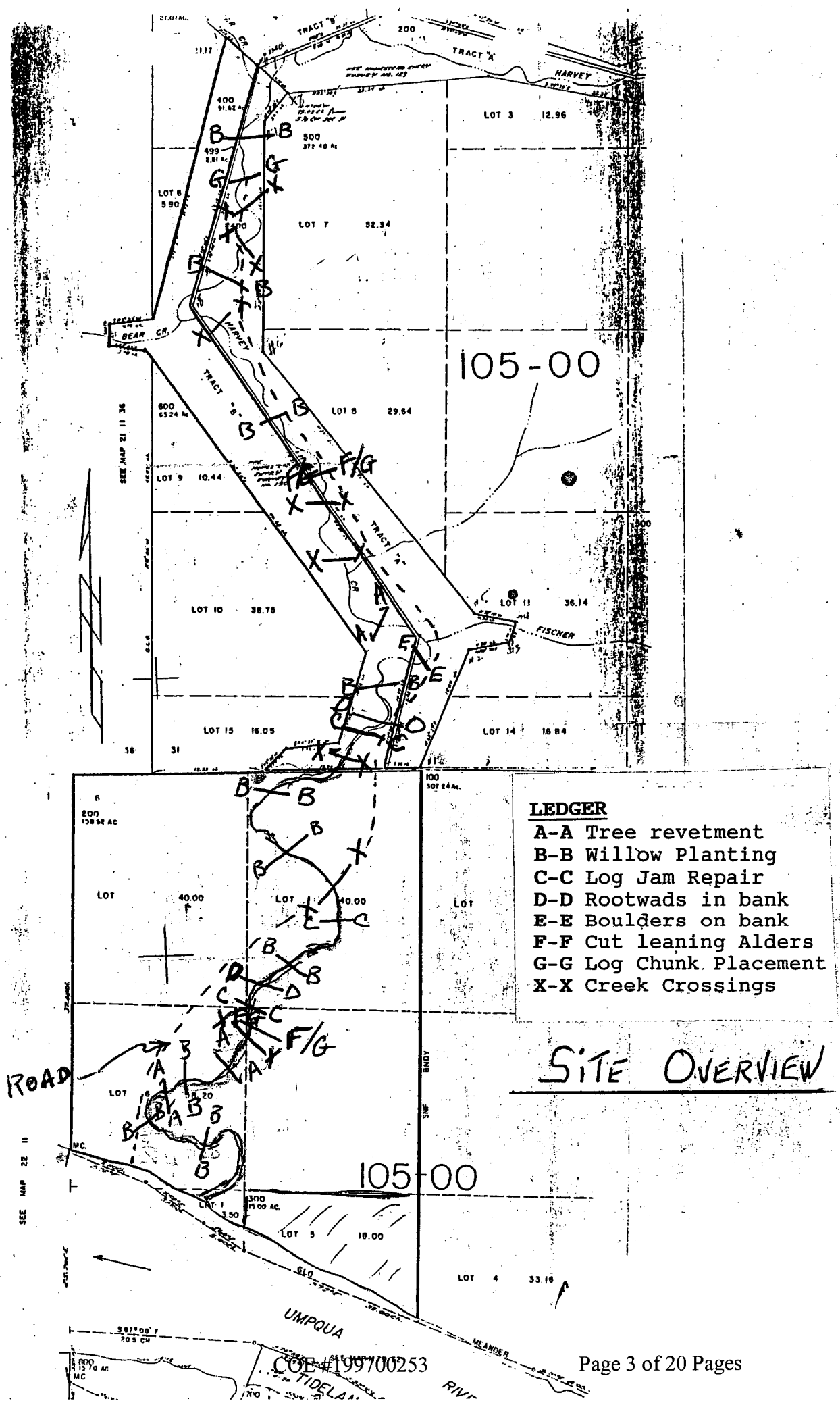
- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals'
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

INCONSISTENT:

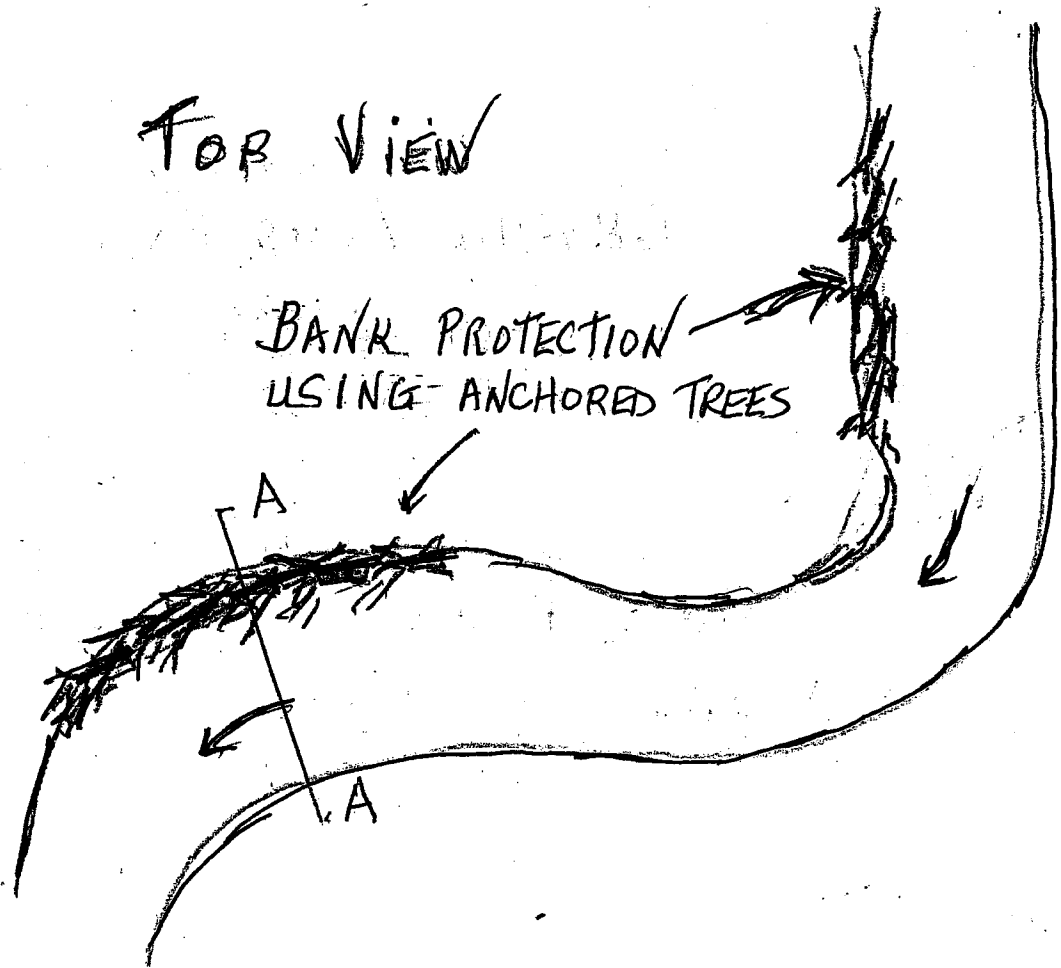
If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible to make it consistent with the Oregon Coastal Management Program.

StreamNet Map

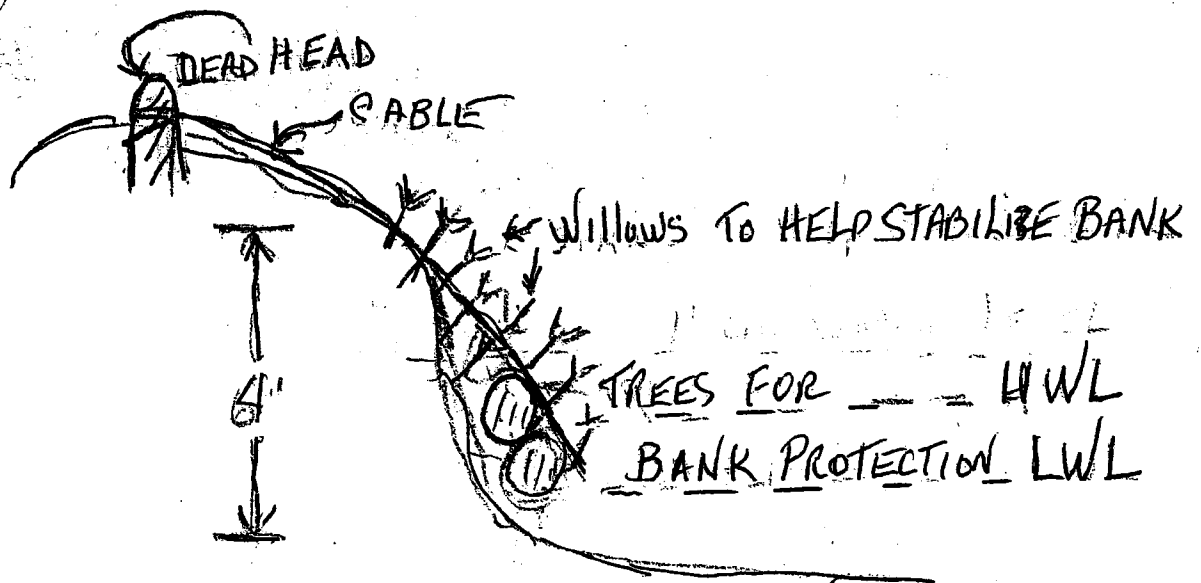




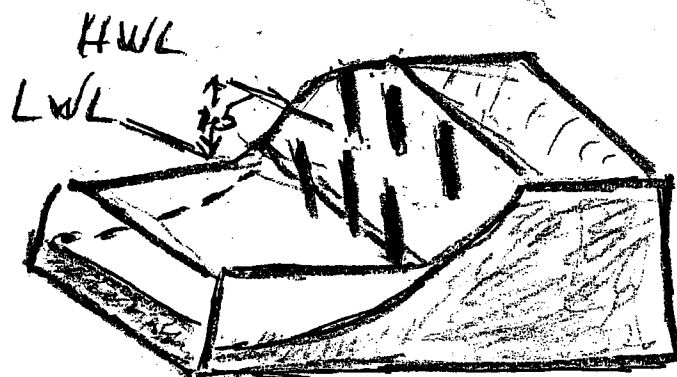
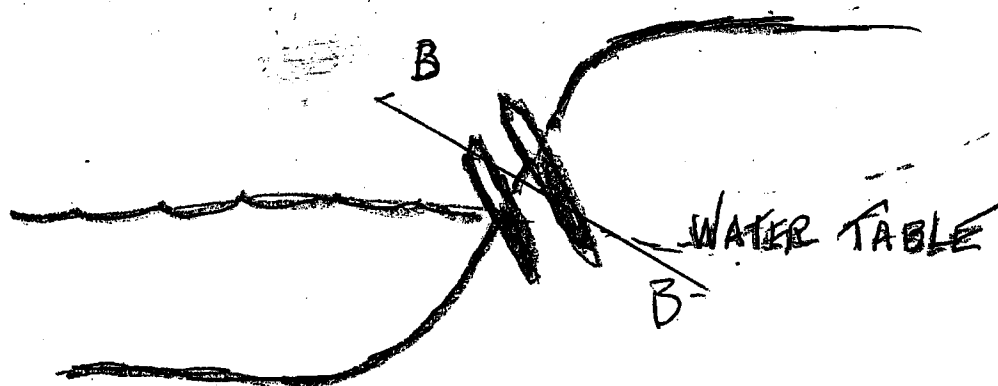
TOP VIEW



CROSS SECTION VIEW A-A

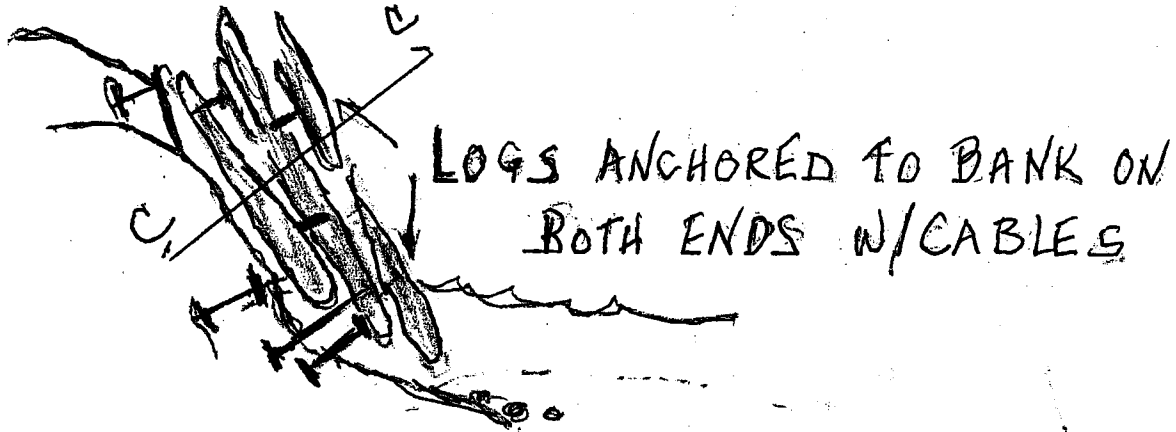


WILLOW POLE PLANTING B-B (ALONG OPEN BANK AREAS)

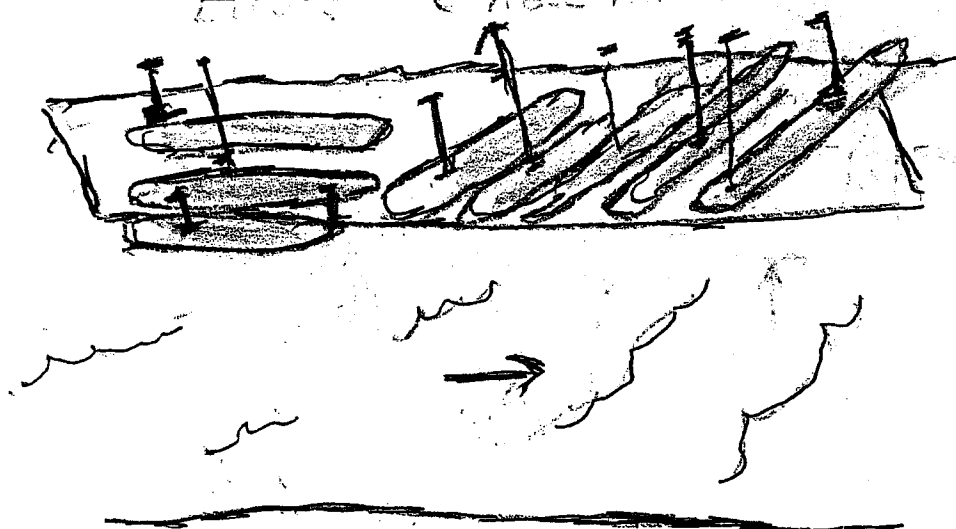


WILLOWS PLANTED
AT HIGH & LOW
WATER LEVELS

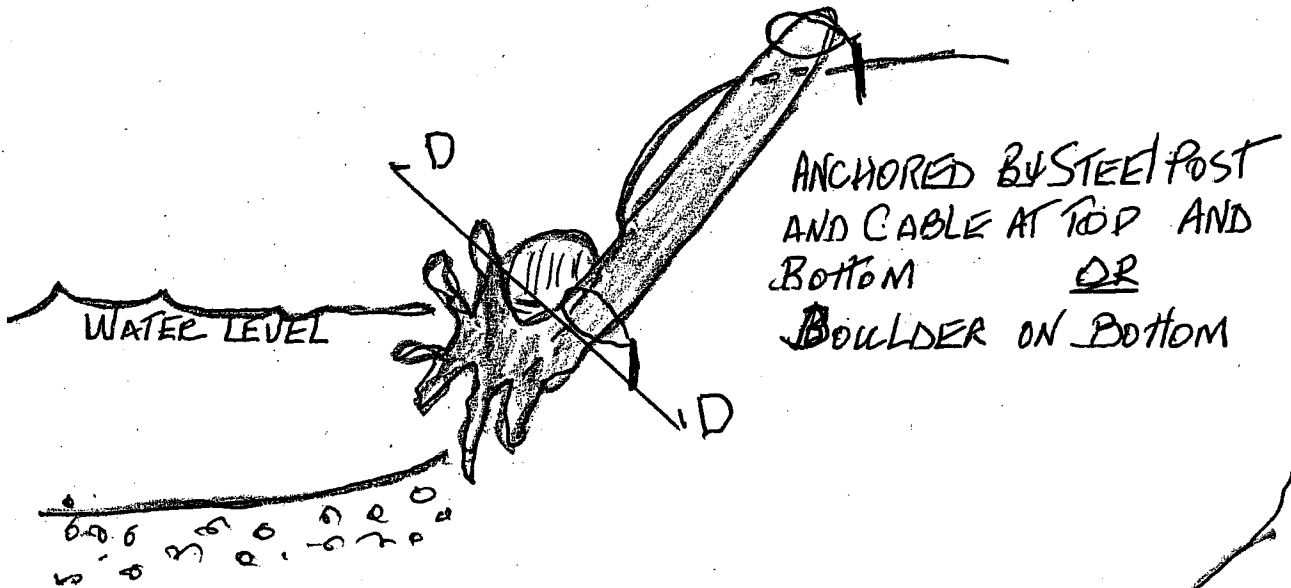
CROSS SECTION VIEW OF C-C
ORGANIC LOGS FROM
LOG JAMS



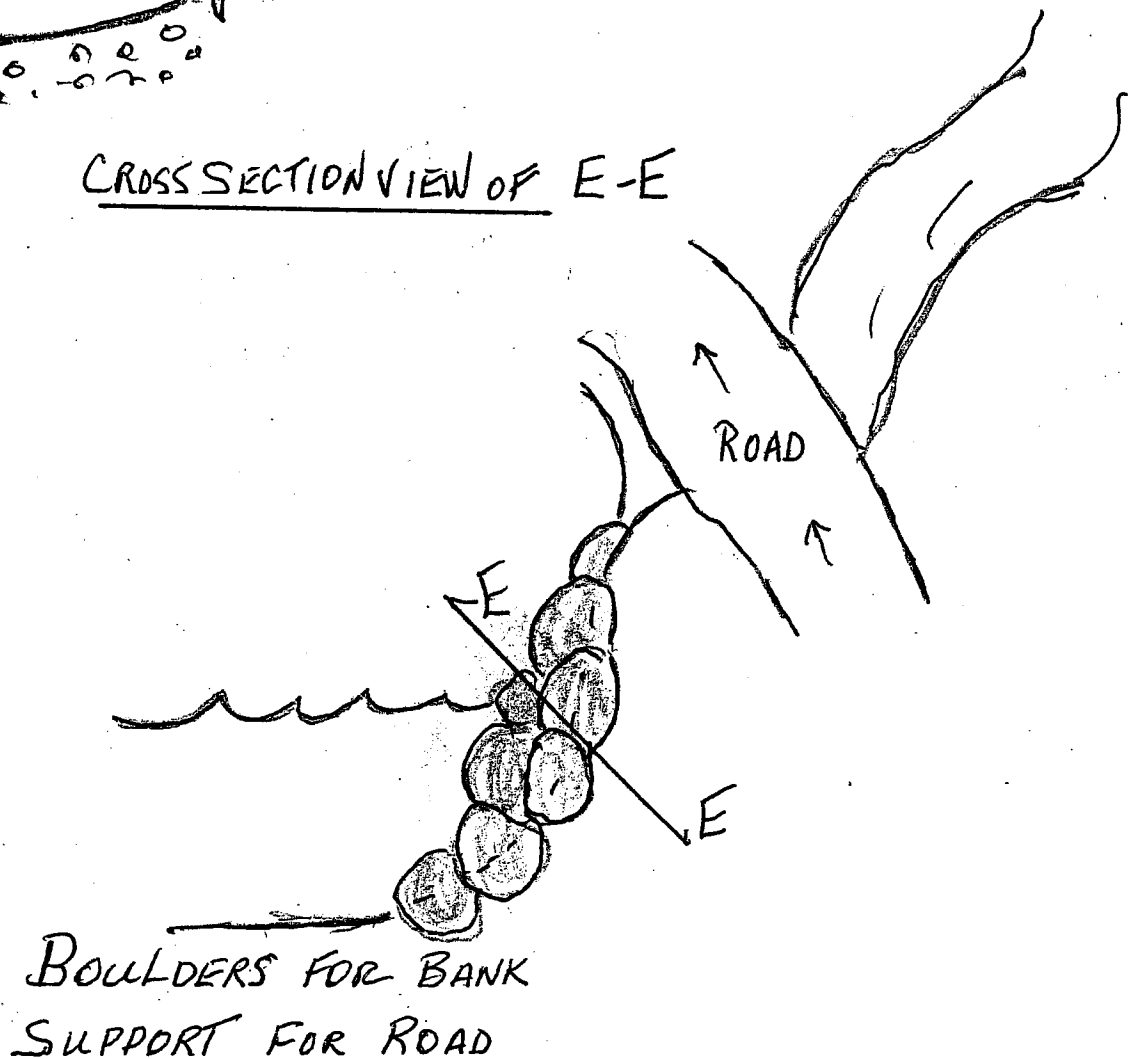
LOGS CABLE ANCHORED TO BANK



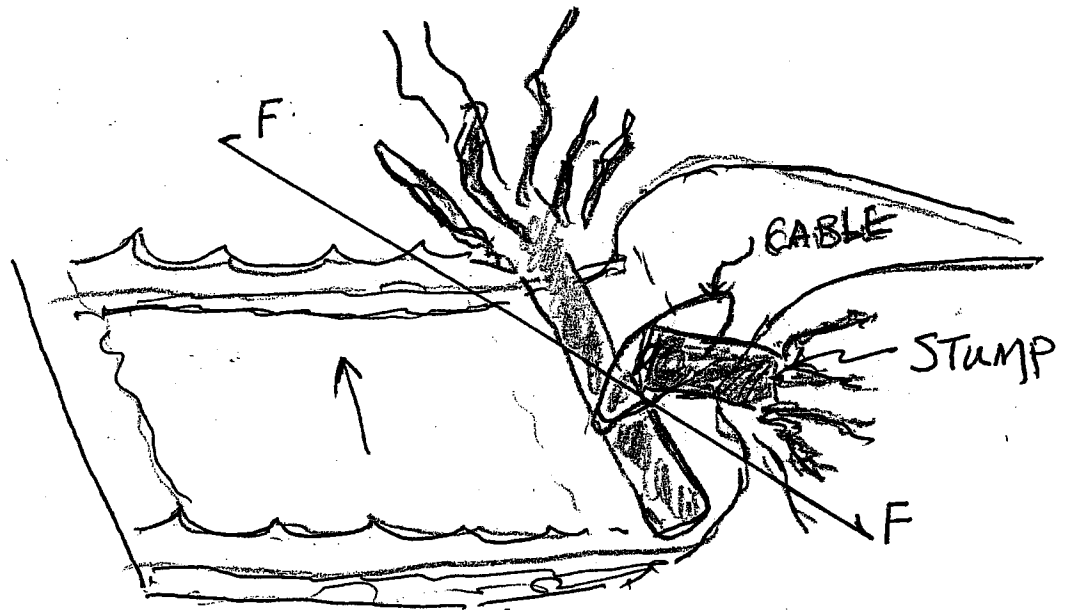
CROSS SECTION OF ROOTWAY LOG VIEW D-D



CROSS SECTION VIEW OF E-E

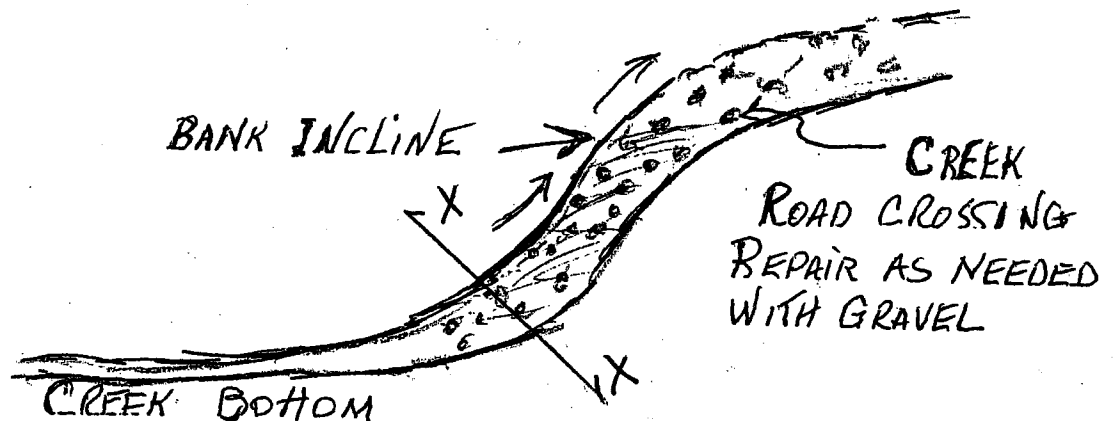


TOP VIEW OF PLACEMENT OF LEANING ALDERS
THAT HAVE BEEN CUT F-F

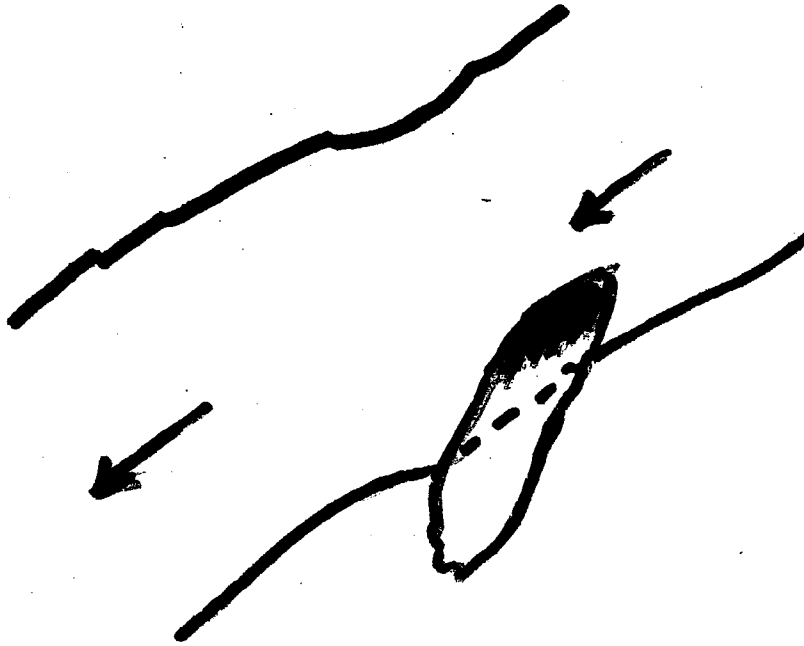


CUT SEVERELY LEANING ALDER TREES AND
ANCHOR CUT TREE TO STUMP W/CABLE

CROSS SECTION VIEW OF CREEK CROSSING X-X

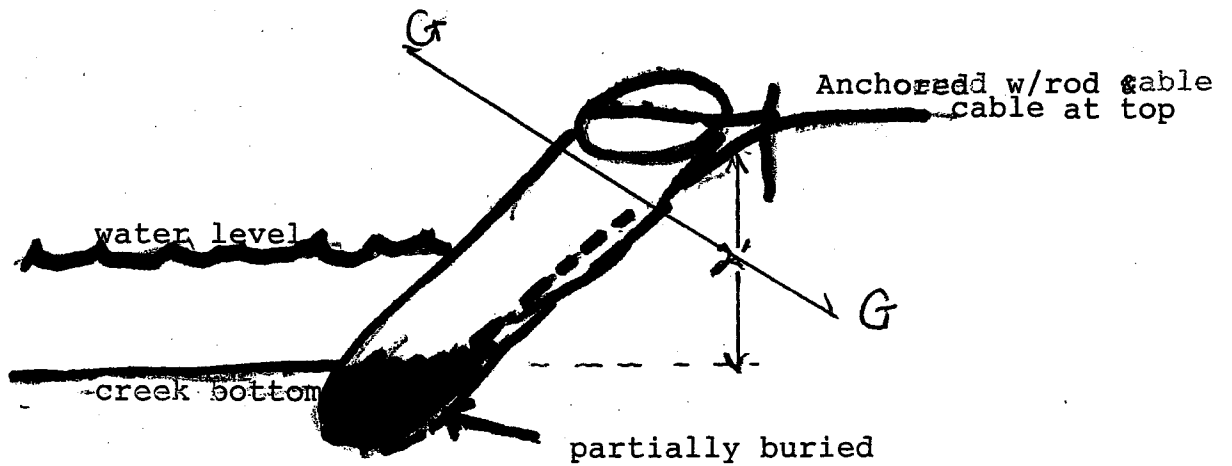


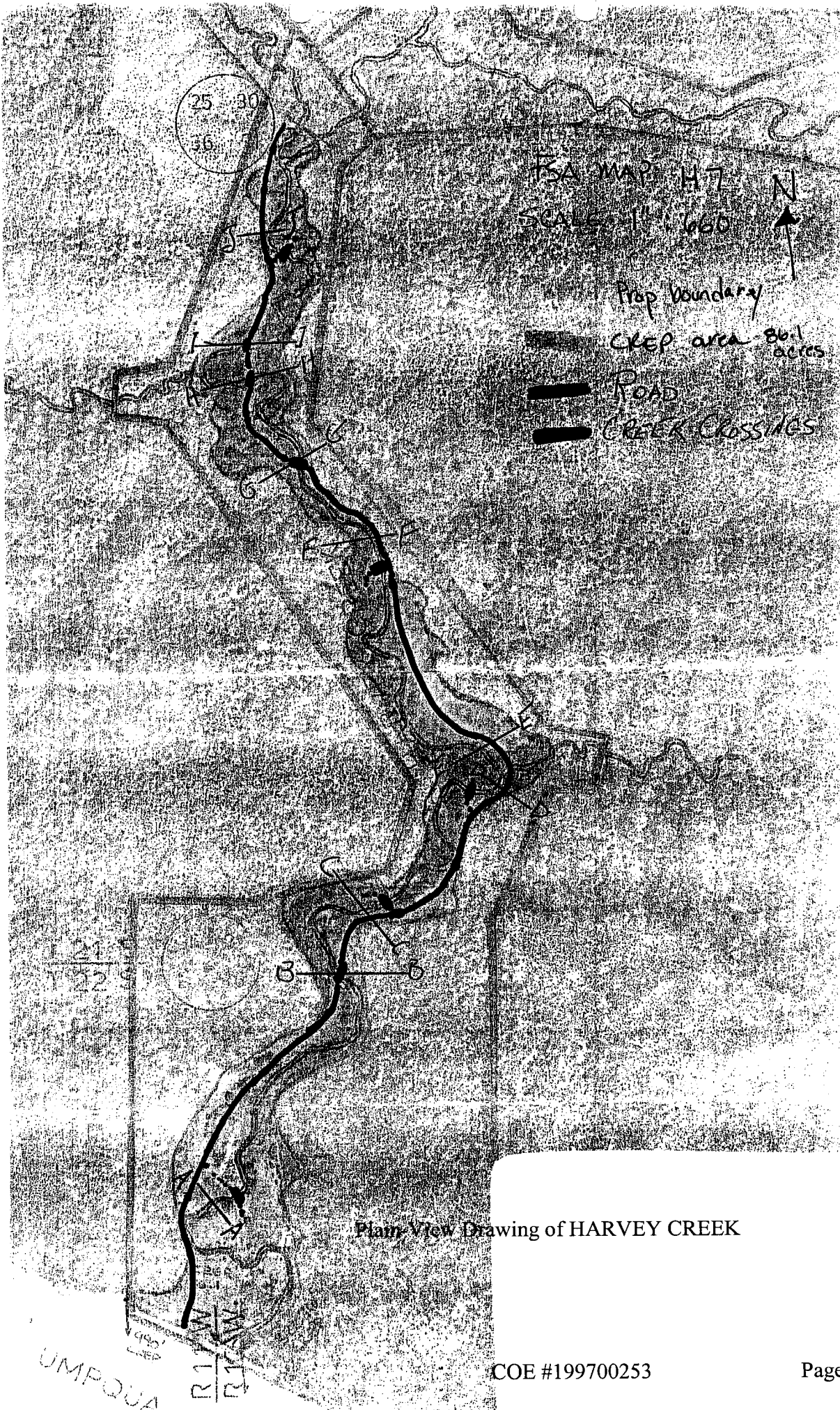
TOP VIEW OF LOG CHUNK



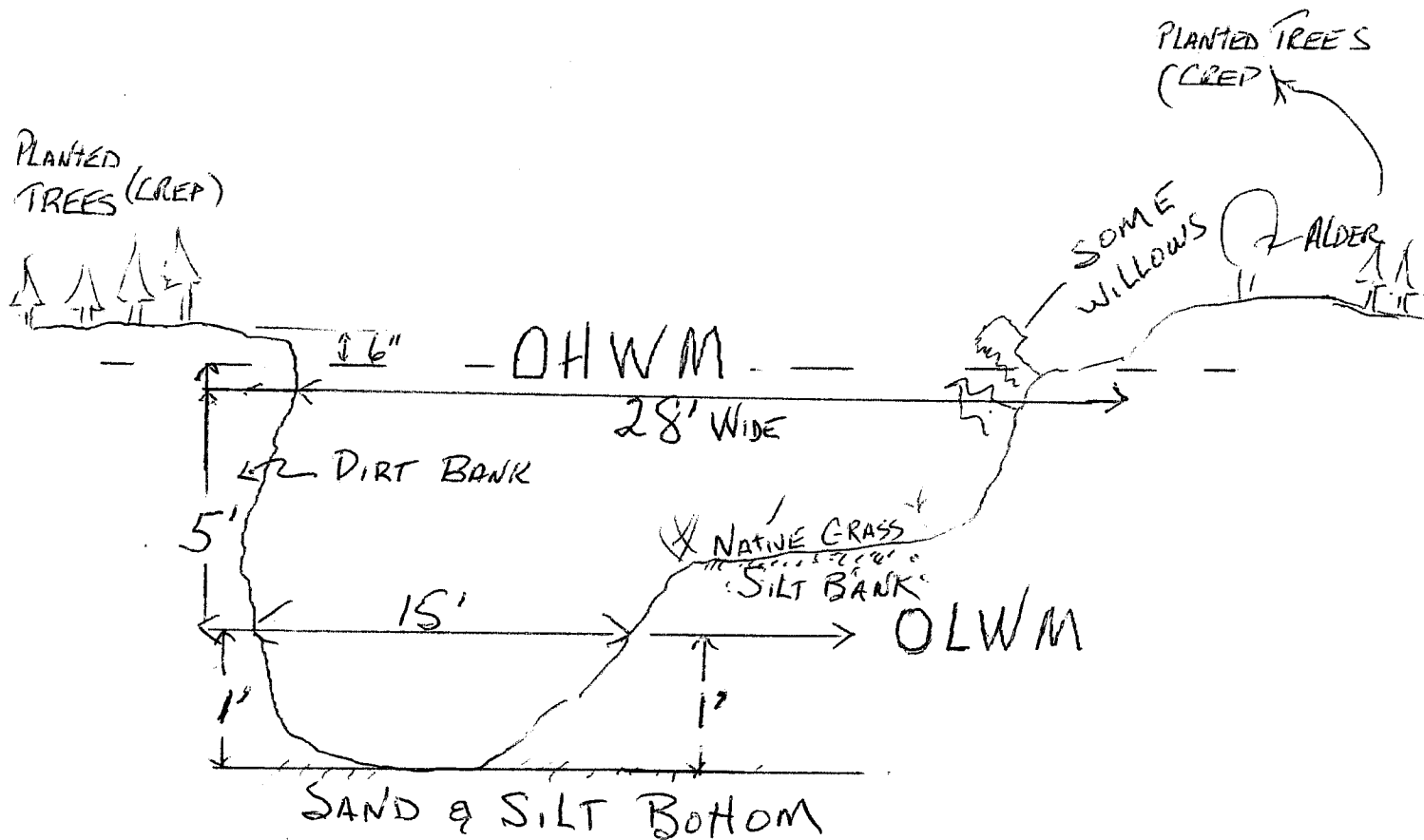
CROSS SECTION VIEW OF LOG CHUNK

G-G

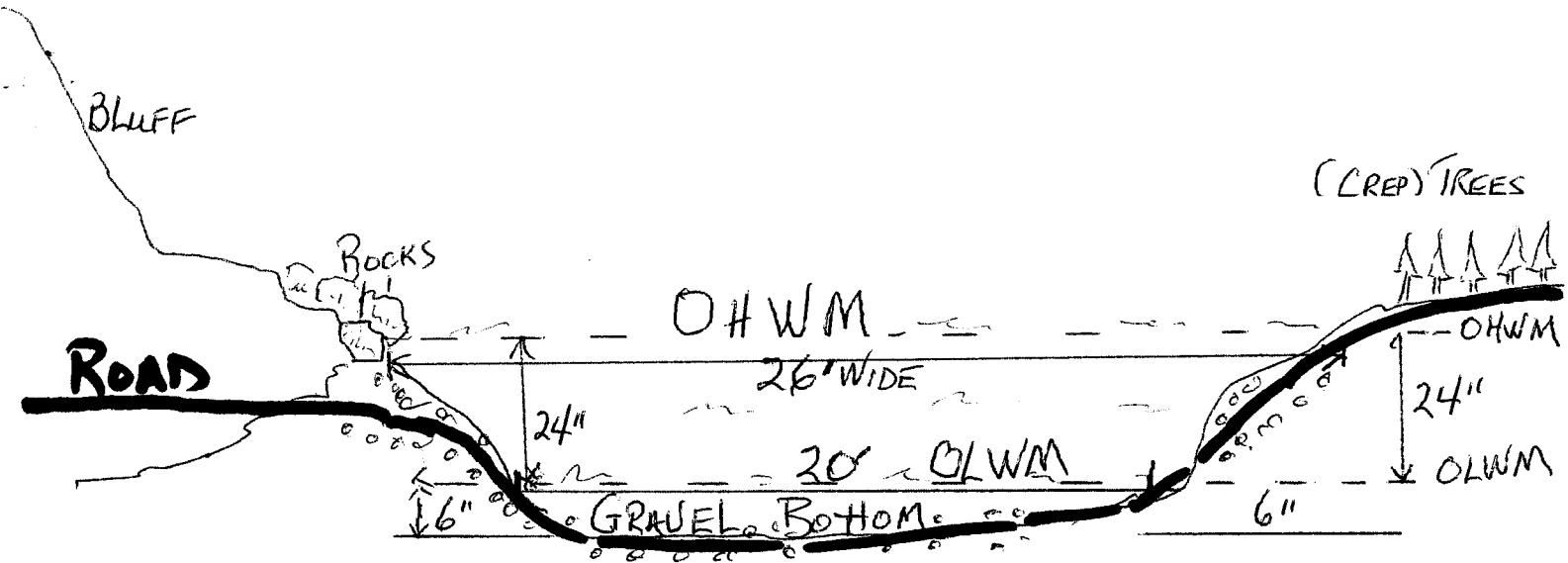




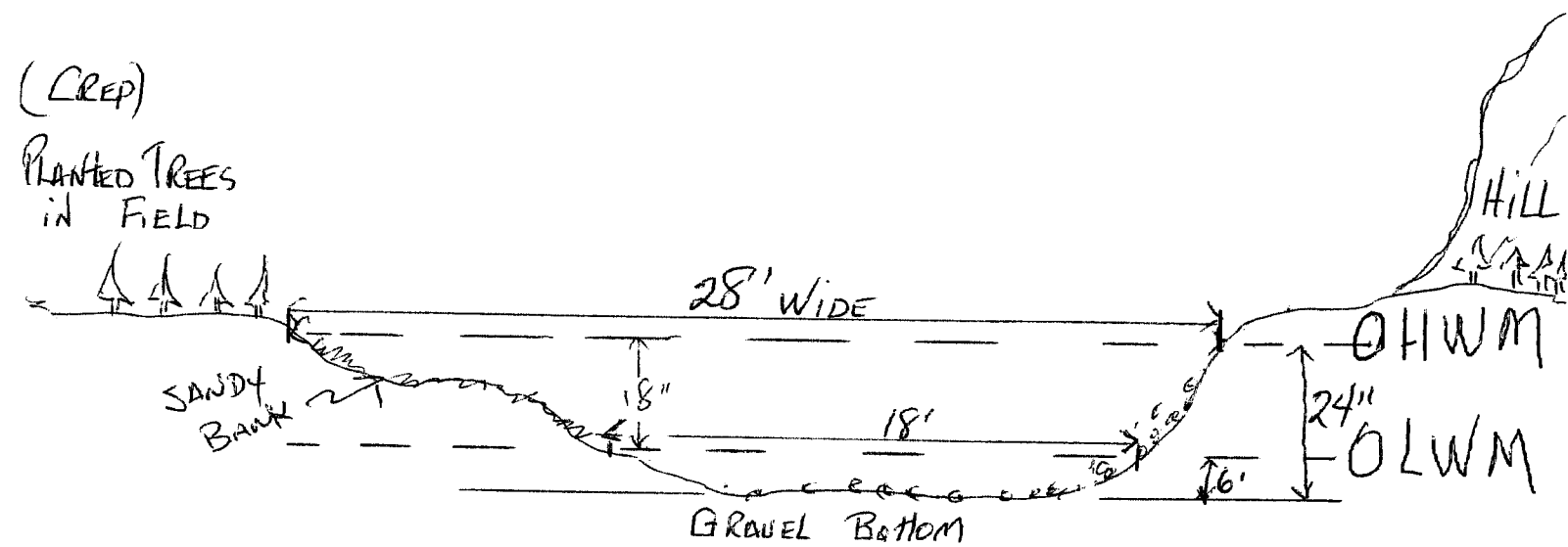
CROSS SECTION VIEW @ A-A



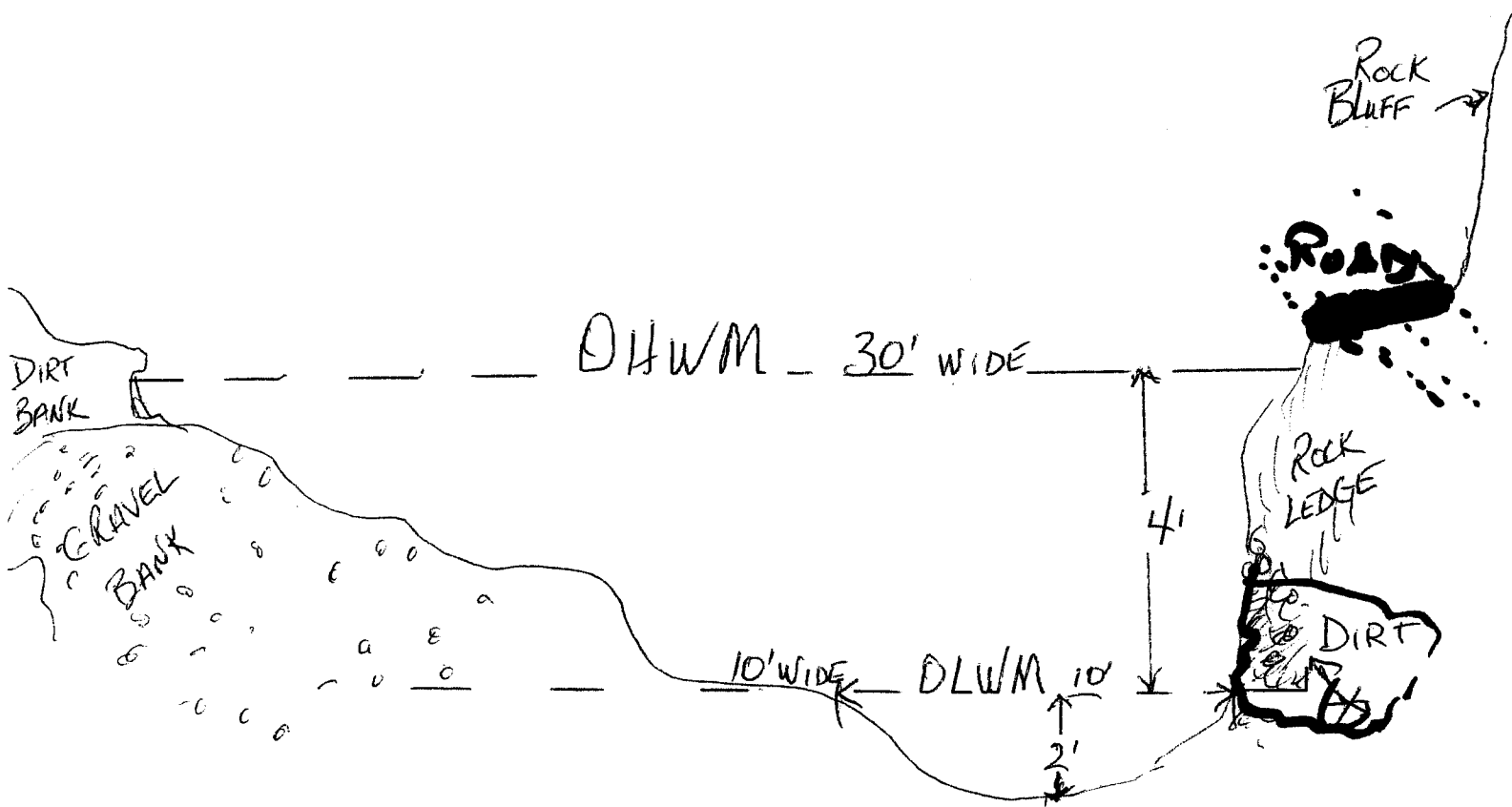
CROSS SECTION @ B - B VIEW



CROSS SECTION VIEW @ C-C

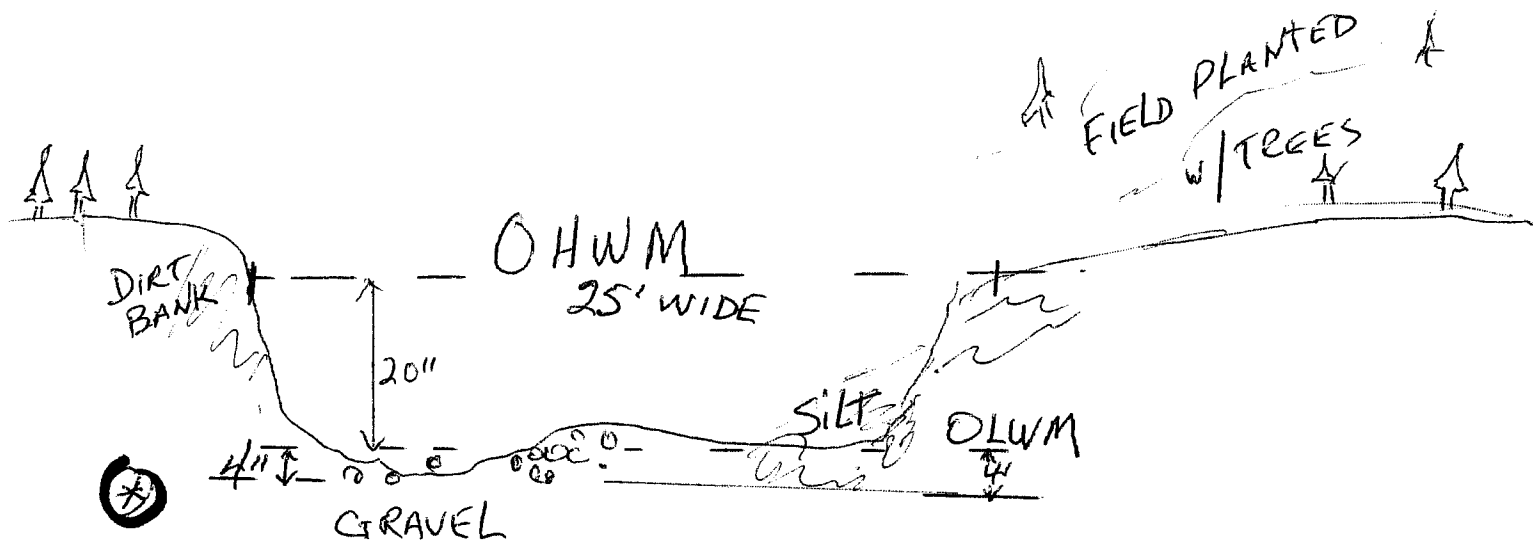


CROSS SECTION VIEW @ D-D



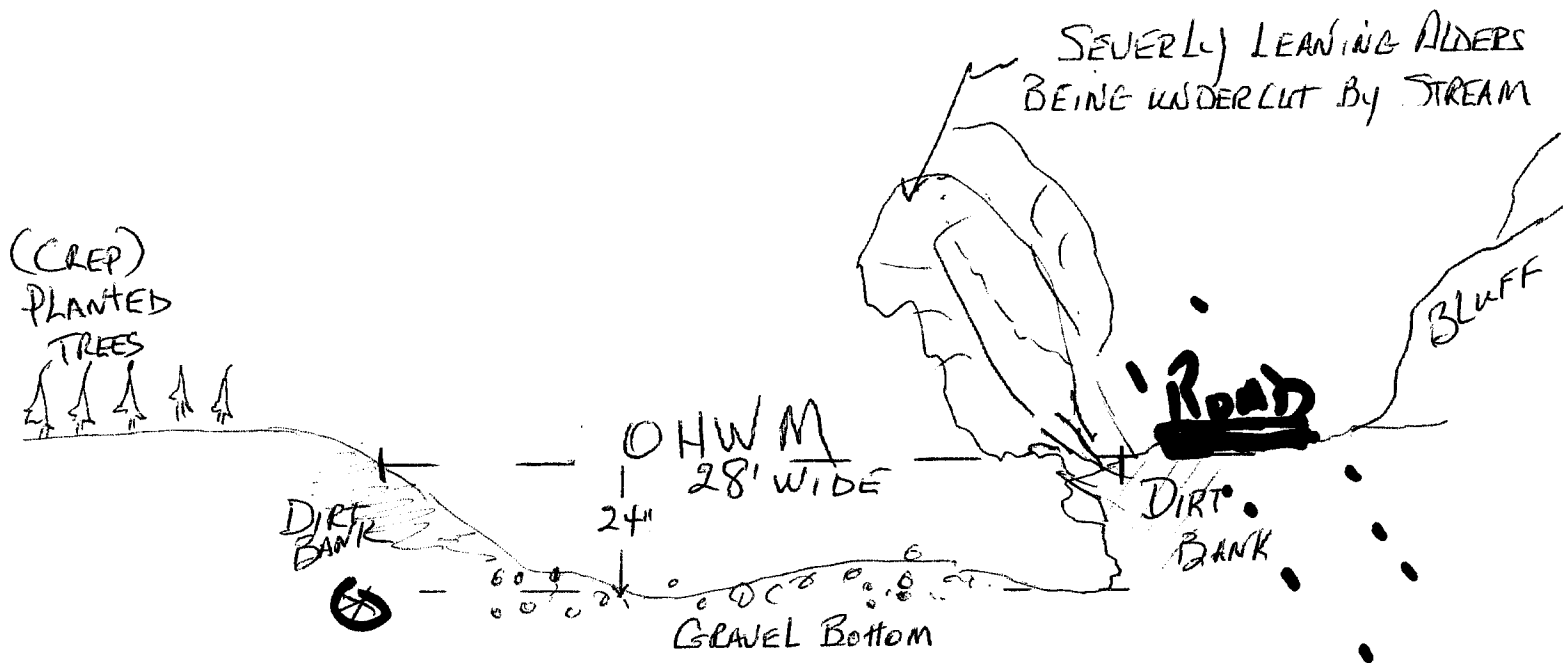
* ROAD IS UNDER CUT & NEEDS BOULDERS TO BUILD UP
AS INDICATED IN APPLICANT'S EX. PAGE 7 OF 9

CROSS SECTION VIEW @ E—E



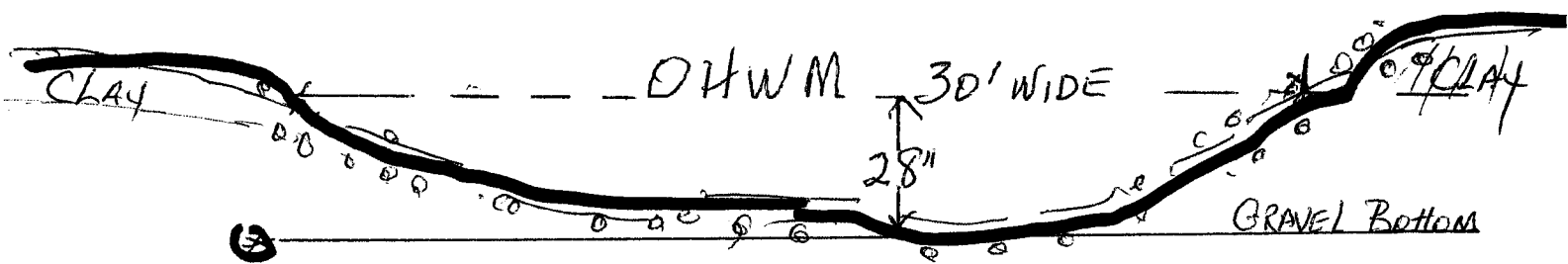
⊗ THIS AREA IN STREAM IS LAST AREA THAT FLOWS YEAR-ROUND
FROM HERE UP-STREAM THE CREEK BED IS DRY JULY—OCT RAINS

CROSS SECTION VIEW @ F—F



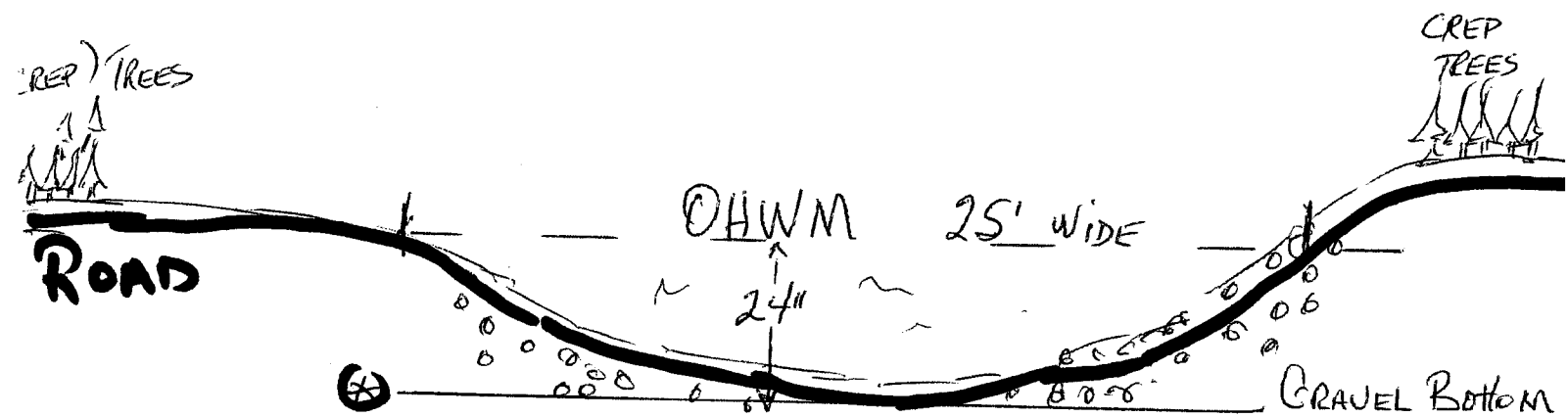
⊗ STREAM BED IS DRY FROM JULY TO OCTOBER RAINS

CROSS SECTION VIEW @ G - G



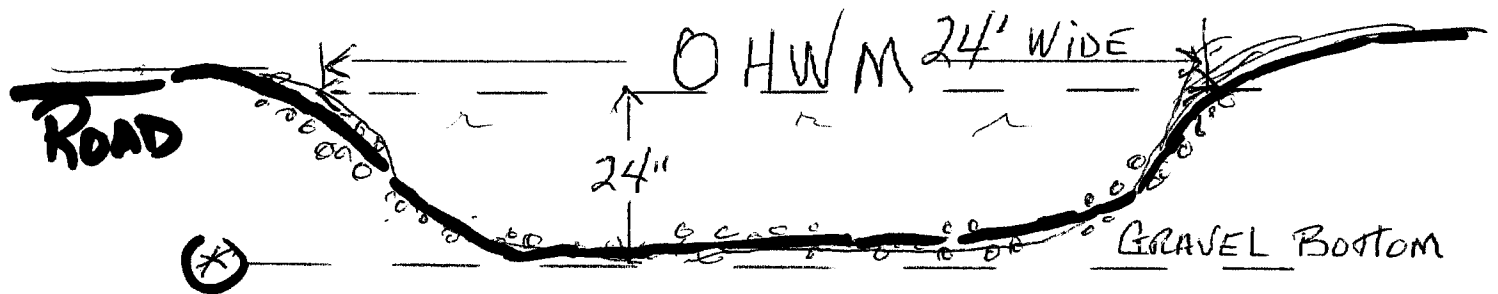
⊗ STREAM BED IS DRY @ THIS AREA JULY UNTIL OCT RAINS

Cross Section View @ H-H



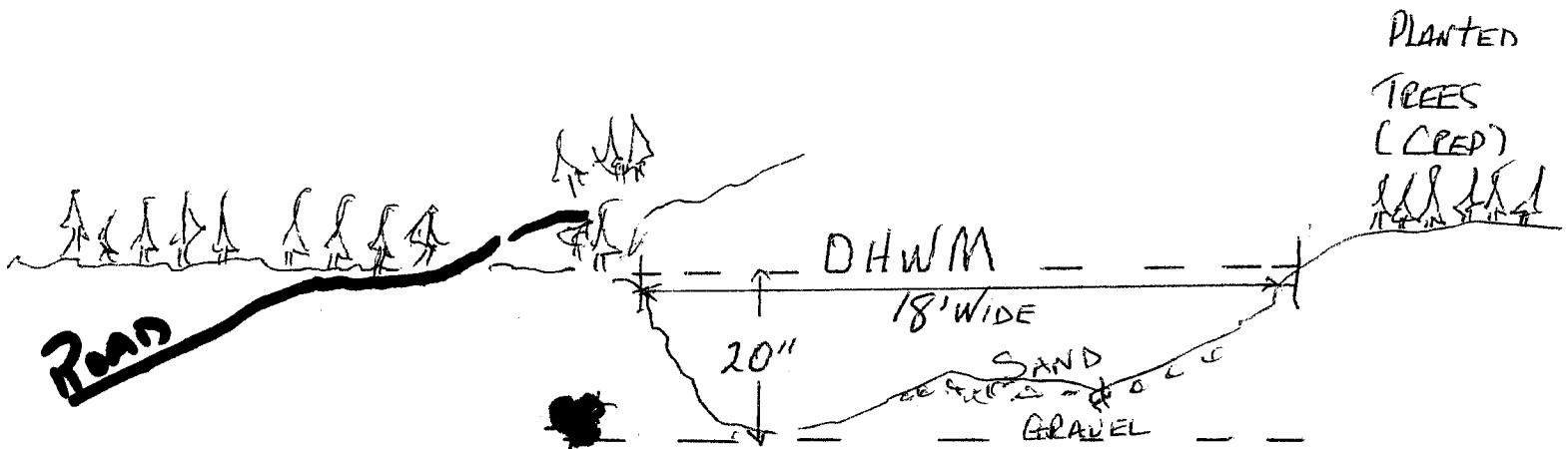
⊗ STREAM BED is Dry @ THIS AREA JULY UNTIL OCT RAIN'S

CROSS SECTION VIEW @ I—I



⊗ STREAM BED IS DRY AT THIS AREA = July UNTIL OCT RAINS

CROSS SECTION VIEW @ J-J



⊗ STREAM BED is DRY July until OCT RAINS